

## DECLARATION OF GENA B. PAYNE

The following Declaration is given in accordance with, and is permitted by 28 U.S.C. 1746. I, the undersigned Gena B. Payne, declare the following:

1.

I first heard of Kelly Jones and his advance notification system idea from Anthony Hunt in or about the [REDACTED]. Anthony and I worked together, and he was married to a former schoolmate of mine. He told me confidentially about his friend, Kelly Jones, that had a neat idea to keep school children off the streets until time for their bus to arrive. He said Kelly was still doing research on an advance notification (ANS) product that would notify passengers in advance of the impending arrival of a vehicle at a particular location, particularly, in the context of a school bus system, and pickup and delivery service.

2.

I have known Mr. M. Kelly Jones since [REDACTED].

3.

I first met Kelly on or around [REDACTED]. Anthony Hunt asked me to meet Kelly and John Ross to hear about a new product for which they were seeking funds to begin a business around. I was asked to sign a Nondisclosure Agreement, which was also signed by Kelly as the "Inventor." John Ross told me that the product was Kelly's idea and that Ross was trying to help Kelly raise funds to begin a business. At no time in the conversation did Ross ever claim to have been the inventor or even co-inventor. It was quite clear to me that Ross was not an inventor.

4.

The product Kelly described to me was an advance notification system, which would call the home a set number of minutes away from the child's bus stop. He informed me of several previous patents along the same lines, but using different technology, and their failure points and problems. He informed me that he had actually spoken to one of the previous inventors and learned why his system did not work. He discussed tracking the vehicle with a GPS unit, but that the cost was prohibitive at the time, so he was looking at other types of sensors to track the bus such as when the safety swing arm was activated, when the bus door opened, mileage, *etc.* He discussed the calls going out from the bus to the homes via a cellular phone connected to a mobile computer located on the school bus. He also discussed several other uses for the system, such as service/delivery, airlines, trucking, and rail service. The opportunities seemed almost endless. During the entire conversation, John Ross participated only rarely, and seemed only interested in obtaining money for the venture. He did not offer any technical expertise to the conversation at all.



5.

After all the long hours and work Kelly had already put into the technology, and Mark Stubbins and I added, it is beyond amazing that John Ross can actually claim that he is the inventor of any technology surrounding the advance notification field. In fact, I have read the Ross patent, U.S. Patent No. 5,648,770, and particularly, claim 1, which reads as follows:

An apparatus located on a mobile vehicle providing separate notices to each of a plurality of parties of a pending delivery/pickup of a different item, each said item being uniquely associated with one of said parties, said apparatus comprising:

a satellite receiver for receiving positioning signals from a plurality of satellites;

a storage device for storing the location of each said party;

a processor electrically connected to said storage device and said satellite receiver, said processor programmed to perform the following steps for each said item:

a) determining a current location of the mobile vehicle based upon the received positioning signals;

b) selecting an item;

c) comparing the current location of the mobile vehicle to the location of the party associated with said selected item;

a communicator operating under control of the processor for automatically communicating, based upon a step of comparing, a signal via a cellular communications network from the mobile vehicle to each said party to notify each said party of the pending delivery/pickup of the item uniquely associated with that party.

All of this language, as I understand it, is exactly what Kelly disclosed to me in the first meeting I had with Kelly and Ross and to which Ross made no claim to have invented, in whole or in part. As far as I can tell, Ross patented only what he heard Kelly talking about back in [REDACTED]. I do not believe that Ross contributed at all to this claimed invention.

6.

I have also read the Ross patent, U.S. Patent No. 5,444,444, which has claim 11 as follows:

An apparatus located on a mobile vehicle providing a notice to a party of pending delivery/pickup of an item, said apparatus comprising:

a satellite receiver for receiving positioning signals from a plurality of satellites;

a storage device for storing the location of a pickup/delivery point of time;

a controller electrically connected to said storage device and said satellite receiver, said controller programmed to perform the following steps for each said item:

- a) determining a current location of the mobile vehicle based upon the received positioning signals;
- b) comparing the current location of the mobile vehicle to the location of the pickup/delivery point;
- c) estimating the time required for the vehicle to travel from its current location to the location of the pickup/delivery point based on the distance separating the location of the vehicle and the location the location of the delivery/pickup point and the time for any intervening stops;

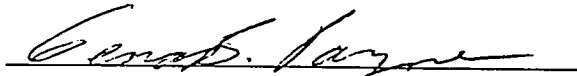
a communicator operatively connected to the controller for communicating a signal via a cellular communications network from the mobile vehicle to said party to notify the party of the pending delivery/pickup of the item if the estimated time interval is less than a predetermined time interval.

Based upon my understanding of this claim language, again, this is exactly as Kelly disclosed to me in the first meeting I had with Kelly and Ross and to which Ross made no claim to have invented, in whole or in part. In other words, I do not believe at all that Ross invented what is claimed here in claim 11 of U.S. Patent No. 5,444,444.

7.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of May 1999.

  
Gena B. Payne